

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY RAY THOMPSON, Plaintiff,)	
)	
)	C.A. No. 19-282 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
LISA SLATZER, et al., Defendants.)	

MEMORANDUM ORDER

Plaintiff Anthony R. Thompson, an inmate formerly incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”),¹ initiated this *pro se* civil rights action in the Court of Common Pleas of Forest County, Pennsylvania, against Defendants Lisa Slatzer, a counselor at SCI-Forest, and Rex Hildebrand, an Inmate Classification Systems Analyst. On September 30, 2019, Defendants properly removed the case to this Court, and this matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was subsequently reassigned to the undersigned, as presiding judge, on November 14, 2019, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

In his *pro se* complaint, Plaintiff alleges that Defendants miscalculated his Inmate Custody Level Classification, resulting in the loss of his “incentive transfer” to another

¹
Plaintiff is presently incarcerated at the State Correctional Institution at Albion, Pennsylvania.

Pennsylvania state institution and prison job, in violation of his Eighth and Fourteenth Amendment rights and DOC rules. On June 5, 2020, Plaintiff filed a motion for “summary/declaratory” judgment [ECF No. 38]; however, the motion was not accompanied by either a concise statement of material facts or a supporting brief, as required by Rule 56(B) of the Local Rules of this Court. Nonetheless, Defendants filed a brief in opposition to Plaintiff’s motion [ECF No. 50], to which Plaintiff filed a response [ECF No. 54].

On January 29, 2021, Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Defendant’s motion for “summary/declaratory” judgment [ECF No. 38] be denied as a result of Plaintiff’s failure to comply with Local Rule 56(B). [ECF No. 81]. Timely objections to the R&R have since been filed by Plaintiff, in which Plaintiff argues that he was unable to submit a brief with case citation because “the DOC is preventing inmates from attending the law library due to a major Covid-19 infestation at SCI-Albion since late Dec., 2020....” (ECF No. 82, at ¶ 1). However, this argument in no way justifies Plaintiff’s failure to file a brief with his motion, which was filed in June 2020, nor does it account for the lack of a statement of material facts. As the Magistrate Judge aptly notes, a *pro se* litigant may not ignore procedural rules simply because they are proceeding without legal counsel. (ECF No. 81, at p. 4). Moreover, the merits of Plaintiff’s claims and legal arguments will still be fully and fairly considered by the Court in connection with its determination of Defendants’ own motion for summary judgment [ECF No. 74], which remains pending.

Thus, after de novo review of the complaint and documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 16th day of February, 2021;

IT IS HEREBY ORDERED that Plaintiff's motion for "summary/declaratory" judgment [ECF No. 38] is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued January 29, 2021 [ECF No. 81], is adopted as the opinion of the Court.

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge